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SENATE BILL 454

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO ELECTIONS; ESTABLISHING VOTER ASSISTANCE STANDARDS
AND PROCEDURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-12-15 NMSA 1978 (being Laws 1969,
Chapter 240, Section 267, as amended) is amended to read:

"1-12-15. CONDUCT OF ELECTION--PERSONS WHO MAY ASSIST
VOTER.--In any primary, general or statewide special election,
if a voter who has requested assistance in marking his ballot
is [~~blind~~] visually impaired, has a physical disability, has an
inability to read or write or is a member of a language
minority who has requested assistance pursuant to Subsection D
of Section 1-12-12 NMSA 1978, he may be accompanied into the
voting machine [~~only~~] by:

A. a person of his own choice other than the

underscored material = new
[bracketed material] = delete

1 voter's employer or an agent of that employer, an officer or
2 agent of the voter's union or a candidate whose name appears on
3 the ballot in this election; provided that a person who assists
4 another voter pursuant to this subsection shall not assist more
5 than three voters in one election; or

6 B. two election judges who are not members of the
7 same political party. "

8 Section 2. Section 1-6-5 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 131, as amended by Laws 2001, Chapter 49,
10 Section 1 and by Laws 2001, Chapter 58, Section 1) is amended
11 to read:

12 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT--
13 MARKING AND DELIVERY OF BALLOT IN PERSON.--

14 A. The county clerk shall mark each completed
15 absentee ballot application with the date and time of receipt
16 in the clerk's office and enter the required information in the
17 absentee ballot register. The county clerk shall then
18 determine if the applicant is a voter, an absent uniformed
19 services voter or an overseas voter.

20 B. If the applicant [~~has no~~] does not have a valid
21 certificate of registration on file in the county and he is not
22 a federal qualified elector or if the applicant states he is a
23 federal qualified elector but his application indicates he is
24 not a federal qualified elector, [~~no~~] an absentee ballot shall
25 not be issued and the county clerk shall mark the application

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1 "rejected" and file the application in a separate file from
2 those accepted.

3 C. The county clerk shall notify in writing each
4 applicant of the fact of acceptance or rejection of his
5 application and, if rejected, shall explain why the application
6 was rejected.

7 D. If the county clerk finds that the applicant is
8 a voter or a federal qualified elector, the county clerk shall
9 mark the application "accepted" and deliver an absentee ballot
10 to the voter in the county clerk's office or mail to the
11 applicant an absentee ballot and the required envelopes for use
12 in returning the ballot. Acceptance of an application of a
13 federal qualified elector constitutes registration for the
14 election in which the ballot is to be cast. Acceptance of an
15 application from an overseas voter who is not an absent
16 uniformed services voter constitutes a request for changing
17 information on the certificate of registration of any such
18 voter. [~~No~~] An absent voter shall not be permitted to change
19 his party affiliation during those periods when change of party
20 affiliation is prohibited by the Election Code. Upon delivery
21 of an absentee ballot to a voter in the county clerk's office
22 or mailing of an absentee ballot to an applicant who is a
23 voter, an appropriate designation shall be made on the
24 signature line of the signature roster next to the name of the
25 voter who has been provided or mailed an absentee ballot.

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1 E. If an application for an absentee ballot is
2 delivered in person to the county clerk and is accepted, the
3 county clerk shall provide the voter an absentee ballot and it
4 shall be marked by the applicant in a voting booth of a type
5 prescribed by the secretary of state, sealed in the proper
6 envelopes and otherwise properly executed and returned to the
7 county clerk or his authorized representative before the voter
8 leaves the office of the county clerk. The act of marking the
9 absentee ballot in the office of the county clerk shall be a
10 convenience to the voter in the delivery of the absentee ballot
11 and does not make the office of the county clerk a polling
12 place subject to the requirements of a polling place in the
13 Election Code other than is provided in this subsection. It
14 shall be unlawful to solicit votes, display or otherwise make
15 accessible any posters, signs or other forms of campaign
16 literature whatsoever in the clerk's office. Absentee ballots
17 may be marked in person during the regular hours and days of
18 business at the county clerk's office from 8:00 a.m. on the
19 fortieth day preceding the election up until 5:00 p.m. on the
20 Saturday immediately prior to the date of the election. In
21 marking the absentee ballot, the voter, pursuant to the
22 provisions of Section 1-12-15 NMSA 1978, may be assisted by one
23 person of the voter's choice.

24 F. Commencing with the twentieth day prior to an
25 election, an absent voter may vote in person, on an electronic

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1 voting machine at the county clerk's office or at an alternate
2 location established by the county clerk; provided, a county
3 clerk may allow an absent voter to vote on an electronic voting
4 machine beginning on the fortieth day before an election. In
5 class A counties, the county clerk shall establish not less
6 than four alternate locations as a convenience to the voters.
7 Absentee voting may be done at the county clerk's office or an
8 alternate location during the regular hours of business from
9 8:00 a.m. on the twentieth day prior to the election until 5:00
10 p.m. on the Saturday immediately prior to the election. The
11 county clerk shall ensure that procedures established for
12 processing an absent voter application and for voting by
13 absentee ballot are complied with at each [alternative]
14 alternate location.

15 G. Absentee ballots shall be [~~air-mailed~~] airmailed
16 to applicants temporarily domiciled inside or outside the
17 continental limits of the United States not later than on the
18 Thursday immediately prior to the date of the election.

19 H. [~~No~~] An absentee ballot shall not be delivered
20 or mailed by the county clerk to any person other than the
21 applicant for such ballot.

22 I. The county clerk shall accept and process, with
23 respect to a primary or general election for any federal
24 office, any otherwise valid voter registration application from
25 an absent uniformed services voter or overseas voter if the

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1 application is received not less than thirty days before the
2 election. The county clerk shall also accept and process
3 federal write-in absentee ballots from overseas voters in
4 general elections for federal offices in accordance with the
5 provisions of Section 103 of the federal Uniformed and Overseas
6 Citizens Absentee Voting Act.

7 J. The secretary of state and each county clerk
8 shall make reasonable efforts to publicize and inform voters of
9 the times and locations for absentee voting. "